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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TINA GABBRIELLI,
Plaintiff,

v.

QI HUAN RUAN,
Defendant.

CASE NO.: C 14-00277 MEJ

**PLAINTIFF AND DEFENDANT'S
STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE SETTLEMENT
CONFERENCE**

Complaint filed: July 26, 2013
Case Transferred: January 13, 2014
Settlement Conf. August 11, 2014

Honorable Magistrate Judge Maria-Elena
James

(Settlement Conference with Magistrate Judge
Kandis A. Westmore)

Pursuant to Local Rules 6-2 and 7-12, Plaintiff TINA GABBRIELLI and Defendant QI HUAN RUAN in the above-entitled action submit this stipulated request for order continuing the settlement conference, presently scheduled for August 11, 2014 at 11:00 a.m., and request this Court to adopt it as its Settlement Conference Order in this case.

The parties were referred to Magistrate Judge Kandis A. Westmore for a settlement conference by Magistrate Judge Maria-Elena James. The Case Management Order does not compel completion of the settlement conference by any specific date. (Declaration of Paul S. Sheng, ¶2.)

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Continuing the settlement conference is necessary to permit the parties to complete essential discovery prior to the conference. Plaintiff, who is Pro Se, is a government employee. (Declaration of Tina Gabbrielli, ¶2.) Due to unforeseeable world events beyond her control, and her work responsibilities related to them, she has not been able to meet all of the discovery deadlines or issue her own discovery requests. (Declaration of Tina Gabbrielli, ¶2.) Defendant has been unable to complete discovery due to Plaintiff's delay in providing initial disclosures, responding to inquiries, and responding to discovery (Declaration of Paul S. Sheng, ¶3):

- Pursuant to the original case management order, which Plaintiff first received on or about March 25, 2014, Plaintiff was to provide her Initial Disclosures by April 10, 2014, prior to the initial case management conference. Due to the delay in service of the case management order, Plaintiff was unable to comply with these deadlines and requested that the Court continue the Case Management Conference. (Declaration of Tina Gabbrielli, ¶3.)
- Plaintiff requested that the Court continue the Case Management Conference, which was granted. The Conference was later vacated. (Declaration of Paul S. Sheng, ¶2.)
- Plaintiff did not produce her initial disclosure until June 23, 2014. (Declaration of Paul S. Sheng, ¶4.)
- Defendant propounded interrogatories and requests for production of documents on June 12, 2014. Responses were due July 17, 2014. Plaintiff's responses to the requests for production were timely produced. An extension was granted until July 21, 2014 for responses to interrogatories. Plaintiff's responses were not received until July 30, 2014. (Declaration of Paul S. Sheng, ¶5.)
- On June 12, 2014, Defendant requested that plaintiff select a day in late July for her deposition. Defendant did not receive any suggestions or feedback, other than a representation from plaintiff that she would be unavailable July 21 through 25 and that she would try to find a date she could be available. On July 10, 2014, defendant unilaterally noticed plaintiff's deposition for July 30, 2014. On July 21, 2014, plaintiff informed defendant that she would be unavailable on July 30, 2014 and would call to

1 schedule another date. The parties have been unable to coordinate another date.

2 (Declaration of Paul S. Sheng, ¶6.)

3 Defendant is not able to evaluate her case prior to the settlement conference scheduled for
4 August 11, 2014, and will not be able to engage in meaningful negotiations at said conference.
5 Accordingly, the parties together ask the Court to continue the settlement conference for a period of
6 thirty (30) days, for a date convenient for the Court's calendar, to permit the parties to complete
7 discovery.

8 DATED: August 5, 2014

9 By: /s/ Tina Gabbrielli
10 TINA GABBRIELLI
Pro Se Plaintiff

11 DATED: August 5, 2014

12 CLAPP, MORONEY, BELLAGAMBA,
VUCINICH, BEEMAN and SCHELEY

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14 By: /s/ Paul S. Sheng
15 PAUL S. SHENG
16 Attorneys for Defendant,
17 QI HUAN RUAN
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SETTLEMENT CONFERENCE ORDER

The stipulation and proposed order is hereby adopted by the Court and the parties are ordered to comply with this Order. The Settlement Conference will be continued for 30 days, for a date that accommodates the schedule of the presiding Judge.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court further orders:

Dated: 8/7/14



**UNITED STATES MAGISTRATE JUDGE
MAGISTRATE JUDGE KANDIS A. WESTMORE**